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WESTERN DISTRICT OF WASHINGTON
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07-CV-00571-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EUGENE D. CARPER,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS, et
al.,

Defendants.

Case No. C07-571-JLR

ORDER OF DISMISSAL

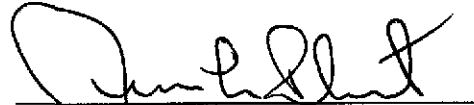
The Court, having reviewed plaintiff's 42 U.S.C. § 1983 civil rights complaint, the Report and Recommendation of the Honorable James P. Donohue, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' motion for summary judgment, Dkt. 81, is GRANTED;
- (3) This action is DISMISSED with prejudice as to plaintiff's Eighth Amendment claims and without prejudice as to plaintiff's medical malpractice claims; and

ORDER OF DISMISSAL
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1 (4) The Clerk is directed to send copies of this Order to the plaintiff, counsel for the
2 defendants, and to the Honorable James P. Donohue.

3 DATED this ND22 day of August, 2011.

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5 JAMES L. ROBART
6 United States District Judge
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